

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

LUCAS CALIXTO, et al.

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
THE ARMY, et al.,

Defendants.

Civil Action No.18-1551 (ESH)

DEFENDANTS' STATUS REPORT

In accordance with the Court's Order entered on September 5, 2019 (ECF No. 134), Defendants respectfully submit this status report. The Court's order requires Defendants, by September 9, 2019 at Noon, to provide plaintiffs' counsel with:

(1) Information "regarding the discharge status of the potential plaintiff identified by Plaintiffs' counsel by an August 20, 2019 email," ECF 130 at 5, as well as information regarding "the stated reason for her discharge (including whether it was MSSD-related or otherwise), and the Army's intention, if any, to offer reinstatement to the potential named plaintiff (pursuant to the October 26, 2018 Memo or otherwise)," *id.*; and

(2) Confirmation as to whether defendants' previous statement to the Court that "[a]ll of the files provided to Plaintiffs included a USAREC Form 601.2[10].21," *id.*, is correct for the 19 files produced to plaintiffs, with the exception of the three files noted by defendants as lacking that form but including a denial of a medical waiver instead; and

(3) Confirmation as to whether defendants' discovery methodology complied with this Court's instructions in its July 31 Order (ECF 123).

The Court further ordered that, simultaneous with the provision of this information to plaintiffs, defendants must file a status report informing the Court of what was provided to plaintiffs.

On September 9, 2019, Defendants provided Plaintiffs' counsel with:

(1) the information required in paragraph (1) above;

(2) Confirmation that defendants' previous statement to the Court that "[a]ll of the files provided to Plaintiffs included a USAREC Form 601.2[10].21," is correct for the 19 files produced to plaintiffs, with the exception of the three files noted by defendants as lacking that form but including a denial of a medical waiver instead;

(3) Notification that in processing the discovery the Court ordered on July 31, 2019, USAREC provided "separation-related" files for individual MAVNI DEPs with USAREC discharge orders, based on each MAVNI's effective date of discharge, from the beginning of each month from July 2018 through July 2019. After conducting an after action review of their discovery processing, USAREC determined that the methodology used by the Army was not fully in line with the intent of the order. Additional files are being compiled in accordance with the Court's order and will be provided to Plaintiffs accordingly.

Dated: September 9, 2019

Respectfully submitted,

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